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**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JACK HENRY SHEEN, M.D.
26 Sea View Drive
Montecito, CA 93105
Physician and Surgeon's
Certificate No. A-16577

Respondent.

Case No. 08-2002-131784

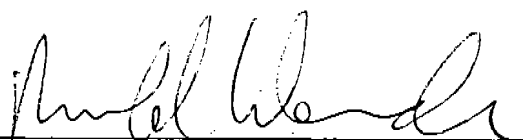
OAH No. L-2003-090247

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 4, 2004.

It is so ORDERED January 28, 2004.



FOR THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
RONALD H. WENDER, M.D.
Chair, Panel B

1 BILL LOCKYER, Attorney General
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8 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matters of the Accusation and of the
Citation Against:

11 JACK HENRY SHEEN, M.D.
12 26 Sea View Drive
Montecito, CA 93105
13 Physician and Surgeon's
Certificate No. A-16577

14
15 Respondent.

Case Nos. 08-2002-131784 and
08-2002-133348

OAH No. L-2003-090247

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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17 In the interest of a prompt and speedy resolution of this matter, consistent with the
18 public interest and the responsibility of the Division of Medical Quality, Medical Board of
19 California of the Department of Consumer Affairs the parties hereby agree to the following
20 Stipulated Surrender of License and Order which will be submitted to the Division for approval
21 and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board
24 of California. He brought this action solely in his official capacity and is represented in this
25 matter by Bill Lockyer, Attorney General of the State of California, by Isa R. Rodriguez, Deputy
26 Attorney General.

27 2. JACK H. SHEEN (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

3. On or about August 23, 1955, the Medical Board of California issued Physician and Surgeon's Certificate No. A-16577 to JACK H. SHEEN. The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 08-2002-131784 and will expire on April 30, 2005, unless renewed.

JURISDICTION

4. Accusation No. 08-2002-131784 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 26, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 08-2002-131784 is attached as exhibit A and incorporated herein by reference.

5. Citation No. 08-2002-133348 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Citation and all other statutorily required documents were properly served on Respondent on February 18, 2003. Respondent timely filed his Request For Administrative Hearing contesting the Citation. A copy of Citation No. 08-2002-133348 is attached as exhibit B and incorporated herein by reference.

6. For purpose of this Stipulated Surrender Of License And Order, Accusation No. 08-2002-131784 and Citation No. 133348 are jointly adjudicated and resolved as set forth below.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, and understands the charges and allegations in Accusation No. 08-2002-131784 and in Citation No. 08-2002-133348. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; and in the Citation the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to

1 the issuance of subpoenas to compel the attendance of witnesses and the production of
2 documents; the right to reconsideration and court review of an adverse decision; and all other
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 9. Respondent voluntarily, knowingly, and intelligently waives and gives up
5 each and every right set forth above.

6 CULPABILITY

7 10. Respondent understands that the charges and allegations in Accusation No.
8 08-2002-131784 and Citation No. 08-2002-133348, if proven at a hearing, constitute cause for
9 imposing discipline upon his Physician and Surgeon's Certificate.

10 11. For the purpose of resolving the Accusation and the Citation without the
11 expense and uncertainty of further proceedings, Respondent acknowledges that, at a hearing,
12 Complainant could establish a factual basis for the charges in the Accusation and the Citation
13 and that those charges constitute cause for discipline. Respondent hereby gives up his right to
14 contest that cause for discipline exists based on those charges.

15 12. Respondent understands that by signing this stipulation he enables the
16 Division to issue an order accepting the surrender of his Physician and Surgeon's Certificate
17 without further process.

18 RESERVATION

19 13. The admissions made by Respondent herein are only for the purposes of
20 this proceeding, or any other proceedings in which the Division of Medical Quality, Medical
21 Board of California or other professional licensing agency is involved, and shall not be
22 admissible in any other criminal or civil proceeding.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Division of Medical
25 Quality. Respondent understands and agrees that counsel for Complainant and the staff of the
26 Medical Board of California may communicate directly with the Division regarding this
27 stipulation and settlement, without notice to or participation by Respondent. By signing the
28 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek

1 to rescind the stipulation prior to the time the Division considers and acts upon it. If the Division
2 fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
3 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
4 action between the parties, and the Division shall not be disqualified from further action by
5 having considered this matter.

6 15. The parties understand and agree that facsimile copies of this Stipulated
7 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
8 and effect as the originals.

9 16. In consideration of the foregoing admissions and stipulations, the parties
10 agree that the (Division) may, without further notice or formal proceeding, issue and enter the
11 following Order:

12 **ORDER**

13 IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A16577,
14 issued to Respondent JACK H. SHEEN is surrendered and accepted by the Division of Medical
15 Quality.

16 17. Respondent shall lose all rights and privileges as a physician and surgeon
17 in California as of the effective date of the Division's Decision and Order.

18 18. Respondent shall cause to be delivered to the Division both his wall and
19 pocket license certificate on or before the effective date of the Decision and Order.

20 19. Respondent fully understands and agrees that if he ever files an application
21 for licensure or a petition for reinstatement in the State of California, the Division shall treat it as
22 a petition for reinstatement. Respondent must comply with all the laws, regulations and
23 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
24 of the charges and allegations contained in Accusation No. 08-2002-131784 shall be deemed to
25 be true, correct, and admitted by Respondent when the Division determines whether to grant or
26 deny the petition.

27 20. Should Respondent ever apply or reapply for a new license or certification,
28 or petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 08-2002-131784 shall
2 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
3 Issues or any other proceeding seeking to deny or restrict licensure.

4 21. Once respondent's surrenders his physician and surgeon's certificate and
5 the surrender has been accepted by the Board and is effective, the Board shall withdraw Citation
6 No. 08-2002-133348 with prejudice.

7 22. In consideration of the foregoing admissions and stipulations, it is agreed
8 that respondent may petition for reinstatement of his physician and surgeon's certificate two
9 years after the effective date of this decision pursuant to Code section 2307(a), good cause
10 having been established.

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DATED: 12-8-03

ENDORSEMENT

DATED: 12/15/03

Attorneys for Complainant

Exhibit A
Accusation No. 08-2002-131784

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 26, 20 03
BY Valerie Moore ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, State Bar No. 84134
Supervising Deputy Attorney General
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7 Attorneys for Complainant

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9 BEFORE THE
10 DIVISION OF MEDICAL QUALITY
11 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 08-2002-131784

13 JACK HENRY SHEEN, M.D.
216 W. Pueblo Street, Ste. A
14 Santa Barbara, CA 93105

ACCUSATION

15 Physician and Surgeon's Certificate
16 No. A 16577

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

- 21 1. Ron Joseph ("Complainant") brings this Accusation solely in his official
22 capacity as the Executive Officer of the Medical Board of California.
23 2. On or about August 23, 1955, the Medical Board of California issued
24 Physician and Surgeon's Certificate Number A 16577 to Jack Henry Sheen, M.D.
25 ("Respondent"). Said certificate is renewed and current with an expiration date of April 30,
26 2003.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California, under the authority of the following sections of the Business and Professions Code ("Code"):

A. Section 2227 of the Code states in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 125.3 of the Code provides in part that the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

C. Section 2234(b) of the Code provides in part that gross negligence constitutes unprofessional conduct.

D. Section 726 of the Code provides in part that the commission of any act of sexual abuse, misconduct or relations with a patient constitutes unprofessional conduct and grounds for disciplinary action.

E. Section 14124.12 of the Welfare and Institutions Code states, in pertinent part:

“(a) Upon receipt of written notice from the Medical Board of California, the Osteopathic Medical Board of California, or the Board of Dental Examiners of California, that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in any case in which the relevant licensing board determines that compelling circumstances warrant the continued reimbursement during the probationary period of any Medi-Cal

1 claim, including any claim for dental services, as so described. In such a case, the
2 department shall continue to reimburse the licensee for all procedures, except for those
3 invasive or surgical procedures for which the licensee was placed on probation.”

4 4. Respondent is guilty of unprofessional conduct within the meaning of
5 Code sections 2234, 2234(b), and 726.

6 **FIRST CAUSE FOR DISCIPLINE**
7 (Sexual Misconduct)

8 5. In or about 1990, Patient A began seeing respondent after she had been
9 referred to him following failed surgeries on her nose. Respondent was practicing as a plastic
10 surgeon in Santa Barbara, California. Over the next 10 years until 2000, respondent provided
11 care for and treated Patient A, including multiple surgeries, post-surgical care following the
12 surgeries, arranging for consultations, treatment of infections, emergency house calls, numerous
13 office visits, helping Patient A “detox” by prescribing medications and arranging for Patient A to
14 stay at the private residence some of respondent’s patients stay following surgery, prescribing
15 numerous medications including Demerol, Percodan and Paxil, authoring refills of medications,
16 and counseling Patient A when she felt suicidal.

17 6. Commencing in 1992 and continuing until 1997, respondent engaged in a
18 sexual relationship with Patient A.

19 7. Respondent’s conduct as set forth above constitutes unprofessional conduct
20 and sexual misconduct with a patient.

21 **SECOND CAUSE FOR DISCIPLINE**
22 (Gross Negligence)

23 8. Complainant realleges paragraphs 5 through 7 above and incorporates
24 them herein by reference as if fully set forth at this point.

25 9. Respondent is guilty of unprofessional conduct and gross negligence in
26 that he:

27 (1) initiated and engaged in a sexual relationship with Patient A.

28 (2) abused his position of authority and trust and exploited Patient A for his own

1 sexual gratification.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Division issue a decision:


5 1. Revoking or suspending Physician and Surgeon's Certificate Number A
6 16577 issued to Jack Henry Sheen, M.D.;

7 2. Revoking, suspending or denying approval of respondent's authority to
8 supervise physician's assistants, pursuant to section 3527 of the Code;

9 3. Ordering respondent to pay the Medical Board the reasonable costs of the
10 investigation and enforcement of this case, and, if placed on probation, the costs of probation
11 monitoring;

12 4. Taking such other and further action as deemed necessary and proper.

13 DATED: February 26, 2003.

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17 _____
18 RON JOSEPH
19 Executive Officer
20 Medical Board of California
21 State of California
22 Complainant
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